

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID LUCKEY and T. ZENON  
PHARMACEUTICALS, LLC (d/b/a  
PHARMACY MATTERS),

Plaintiffs,

Case No. 11-11500

v.

Hon. John Corbett O'Meara

BLUE CROSS BLUE SHIELD  
OF MICHIGAN, a Michigan nonprofit  
healthcare corporation,

Defendant.

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**ORDER OF PARTIAL DISMISSAL**

On April 8, 2011, Plaintiffs filed a complaint alleging the following causes of action: (1) violation of ERISA; (2) declaratory relief under ERISA; (3) injunctive relief under ERISA; (4) violation of M.C.L. 500.2006; (5) fraudulent inducement; and (6) promissory estoppel. The parties are not diverse.

Although alleged violations of the ERISA are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. This court declines to exercise supplemental jurisdiction over the state law claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). Accordingly, IT IS HEREBY ORDERED that Plaintiffs' Fourth, Fifth, and Sixth Claims for Relief are DISMISSED.

s/John Corbett O'Meara  
United States District Judge

Date: May 12, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, May 12, 2011, using the ECF system.

s/William Barkholz  
Case Manager